

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WARNER, NICOLE H.,)	
)	
Plaintiff,)	
)	U.S.D.C. No. 19-CV-1421
v.)	
)	(State Court Case No. 19-MR-000089)
)	
GIORGIO ARMANI CORPORATION,)	
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, and in accordance with 28 U.S.C. §1446, Defendant Giorgio Armani Corporation (“GAC”), by its attorneys Epstein Becker & Green, P.C., respectfully removes this action from the Circuit Court of the Sixteenth Judicial Circuit, Kane County, Illinois (“Circuit Court”) to the United States District Court for the Northern District of Illinois on the basis of federal question jurisdiction pursuant to 28 U.S.C. §1331. The grounds for removal are as follows:

The State Court Action

1. Plaintiff Nicole Warner commenced this action on or about January 28, 2019, by filing a Summons and Complaint in the Circuit Court of Kane County, Illinois (State Court Case No. 19-MR-000089) entitled Nicole H. Warner. Plaintiff vs. Giorgio Armani Corporation, Defendant.

2. The Summons and Complaint were served on GAC’s registered agent, CSC, on February 7, 2019. A copy of the Summons and Complaint served on CSC are attached hereto as

Exhibits A and B, respectively. CSC promptly forwarded a copy of the Summons and Complaint to GAC.

3. This Notice of Removal is being filed within thirty (30) days of February 7, 2019, the day Plaintiff served the Summons and Complaint, and is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Venue of this action is properly laid in this District pursuant to 28 U.S.C. §1441(a) because the Circuit Court of Kane County is located within the District.

5. Pursuant to 28 U.S.C. §1446(d), GAC will file a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit C, and a copy of this Notice of Removal with the Clerk of the Circuit Court of Kane County, Illinois through the Court's Electronic Filing Management System.

6. GAC will give written notice to Plaintiff via service of the Notice of Filing of Notice of Removal and a copy of this Notice of Removal, a copy of which is attached hereto as Exhibit D, pursuant to 28 U.S.C. §1446(d), and will comply with all other procedural mandates applicable to this Notice of Removal.

7. In the Complaint, Plaintiff, a former employee of GAC, alleges, inter alia, that she was subjected to discrimination in violation of Title VII (Count V) on the basis of sex and because of pregnancy. *See* paragraph 48 of the Complaint. Plaintiff also alleges in the Complaint that she was subjected to retaliation in violation of Title VII (Count VI). *See* paragraph 51 of the Complaint. By filing this Notice of Removal, GAC does not waive any defenses which may be available to it.

The Bases for Removal Based on Federal Question and Supplemental Jurisdiction

8. This action may be removed from the Circuit Court of Kane County of the State of Illinois to this Court, pursuant to 28 U.S.C. §1441(a), because the Complaint raises claims over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1331.

9. Plaintiff's Complaint constitutes a civil action arising under the laws of the United States, namely, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq., and therefore is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1331, and is removable to this Court pursuant to 28 U.S.C. §1441(a).

10. Plaintiff's Complaint also asserts claims based on the same factual allegations arising under Illinois State law: Count I alleges pregnancy discrimination in violation of the Illinois Human Rights Act, 775 ILCS 5/2-102 ("IHRA"); Count II alleges gender discrimination in violation of the IHRA; Count III alleges failure to accommodate for pregnancy and childbirth in violation of the IHRA; and Count IV alleges retaliation in violation of the IHRA. Since the state law claims are based on the same factual predicate as Plaintiff's Title VII claims, and are part of the same case or controversy, this Court may exercise supplemental jurisdiction pursuant to 28 U.S.C. §1441(c).

11. Therefore, this is a civil action over which this Court has original jurisdiction on the basis of federal question jurisdiction pursuant to 28 U.S.C. §1331, and which may be removed to this Court pursuant to 28 U.S.C. §1441(a) and (c).

WHEREFORE, Defendant GAC prays that this action proceed in its entirety in this Court as an action properly removed thereto.

Dated: February 27, 2019

Respectfully submitted,

GIORGIO ARMANI CORPORATION

/s/ Michelle G. Marks

One of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on February 27, 2019, she caused to be served the foregoing **GIORGIO ARMANI CORPORATION'S NOTICE OF REMOVAL** by electronic mail on Plaintiff's attorney of record.

/s/ Michelle G. Marks

Attorney for Defendant

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